

## Chapter 38 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 38-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

*Right-of-way* means land in which the state, the state department of transportation, the county or the town owns the fee or has an easement devoted to or required for use as a transportation facility or street.

*Sidewalk, walkway, walking path, pathway* means that portion of the right-of-way located between the curbline on the lateral line of a street and the adjacent property line (if any) or which area is part of the right-of-way that is ordinarily used for pedestrian travel.

*Street* means that portion of the right-of-way improved, designed or ordinarily used for vehicular and/or pedestrian traffic.

(Ord. No. 309 , § 2, 4-12-2022)

#### Secs. 38-2—38-30. Reserved.

### ARTICLE II. PARADES AND PUBLIC GATHERINGS

#### Sec. 38-31. Permit required.

(a) No person shall organize, hold, or participate in any parade, public gathering, or celebration on the streets, sidewalks, public ways, beaches, or other public grounds or places in the town unless a permit has first been obtained from the town administrator. Each application for such permit shall indicate the purpose for which the permit is desired and any information reasonably necessary for the fair administration of this section.

[Note: County or State permits may also be required.](#)

(b) In determining whether to issue a permit under this section, the following shall be among the matters to be considered:

- (1) The number of persons expected to participate.
- (2) The anticipated traffic conditions at the time and date proposed for the activity.
- (3) The schedule of other similar activities for which permits may have been issued.
- (4) The adequacy of adult supervision for any minors scheduled to participate.

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<sup>1</sup>State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166.

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- (5) The availability of town personnel, whose presence on duty may be required by the activity, ~~and by the necessity to protect the general public.~~
  - (6) The availability of local law enforcement personnel, whose presence on duty may be required by the necessity to protect the general public.
  - (7) The adequacy of public facilities in the location proposed for the activity to accommodate the proposed activity and the normal public use of public facilities in the proposed location.
- (c) Prior to the denial of any application for permit under this section, the applicant shall be given an opportunity to be heard upon reasonable notice.
  - (d) If a permit under this section is issued, it shall be unlawful for any person participating in the act or activity for which such permit has been granted to deviate from or alter any of the terms or contents of the permit.
- (Code 1983, § 95.01; Code 1996, § 38-31)

**Secs. 38-32—38-40. Reserved.**

### **ARTICLE III. TEMPORARY OBSTRUCTIONS**

**Sec. 38-41. Permit required.**

- (a) No person or entity shall obstruct or cause to be obstructed any sidewalk, walkway, walking path, pedestrian pathway or street in the town or create a condition that impedes the general movement of pedestrians or vehicular traffic upon any sidewalk, walkway, walking path, pathway or street without first obtaining a permit from the town as provided in this section.
- (b) *Permit requirements.* Permits for temporary obstruction of the right-of-way shall be issued upon the completion of the following requirements:
  - (1) The applicant shall file a completed application and shall execute a form approved by the town attorney agreeing to indemnify, defend, save and hold harmless the town, its officers and employees, from any and all claims, liability, lawsuits, damages and causes of action which may arise out of this permit, or the permittee's activities.
  - (2) The permittee agrees to obtain and maintain for the entire period, at its own expense, the following:
    - a. Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage for construction activities located on the right-of-way. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting this requirement.
    - b. Workers' compensation and employers' liability insurance as required by the state.
  - (3) The applicant shall be required to pay a fee accompanying each application, which must be paid prior to the permit issuance.
- (c) *Permit conditions.* A permit issued pursuant to this section shall set forth any necessary and appropriate conditions for the protection of pedestrians and to ensure the general public safety. A willful violation of the permit conditions shall render the permit null and void, and subject the violator to enforcement and penalties, as provided in subsection (d).
  - (1) The permit conditions, at a minimum, shall identify a temporary traffic control (TCC) or movement of traffic (MOT) plan that must include the following:

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- a. The services of an off-duty law enforcement officer(s) to address pedestrian and vehicle traffic during the temporary obstruction; or
  - b. The services of an individual ~~is~~ that is FDOT certified in temporary traffic control in order to ensure that pedestrians and vehicles in or traveling through the temporary work zone will not be injured.
- (d) *Penalties and enforcement.*
- (1) *Penalties for violations.* The following~~;~~ penalties shall be imposed for a violation of this section:
    - a. The penalty for the first violation by a person or entity shall be a civil fine of \$250.00.
    - b. The penalty for the second or subsequent violation by a person or entity shall be \$500.00.
  - (2) *Enforcement.* The ~~code compliance~~[building](#) department shall enforce this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section and all applicable laws. If a code compliance officer finds a violation of this section, the code compliance officer shall issue a civil citation in the manner prescribed in article IX of this Code.

(Ord. No. 309 , § 2, 4-12-2022)